

REMARKS

This paper is responsive to the Office Action dated October 06, 2009 wherein claims 27-68 were rejected and claims 1-26 stand withdrawn pursuant to a requirement for restriction/election. By this paper, claims 27 and 47 have been amended. No new matter has been added. Claims 27-68 remain pending in this application. In view of the following remarks, Applicants request further examination and reconsideration of the present patent application.

35 USC 112

Claims 27-68 have been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regards as the invention. The Examiner specifically objected to independent claims 27 and 47.

Independent claims 27 and 47 have been amended to recite “environmental or operating conditions” instead of “environmental or asset operating and asset shipping conditions”. In view of these amendments, withdrawal of the rejection of claims 27-68 is requested.

35 USC 102

The Examiner has rejected claims 27-33, 36-39, 47-51, 55-59, 67 and 68 under 35 USC §102(e), as being anticipated by Catan, US Pub. No. 2002/0143643.

Independent claims 27 and 47 recite inter alia “a plurality of electronic asset identification and intelligent sensing devices.” Applicants respectfully submit that Catan does not teach, suggest or disclose the invention as recited in independent claims 27 and 47 and specifically the recitations of a plurality of intelligent sensing devices.

The Examiner referred to item 225 and specifically to a MRL device T of Catan as intelligent sensing device as in the pending claims. Applicants respectfully stress that MRL device T of Catan can not be interpreted as an intelligent sensing device as in pending claims. Applicants respectfully refer the Examiner to item 1000, FIG. 10 of the pending application which shows various components of the intelligent sensing devices. Applicants further refer the Examiner to lines 10-21, paragraph [0086] of the pending application for the definition of the intelligent sensing device which recite:

In particular, intelligent sensing device 1000 includes each of the following elements: a plurality of connectors 1002 for receiving external inputs; an analog to digital converter 1004 for converting received analog signals into digital signals; a processing unit 1006 for performing any signal processing required by the device; a memory 1008 operatively connected to the processor for storing information on the device; a power supply 1010 for providing

required power to the processor and other elements; a radio frequency (RF) transceiver 1012 and antenna 1014 for enabling transmission and receipt of information wirelessly to other devices or readers; and a visual display 1016 for enabling the device to indicate current status or other information visually.

Applicants respectfully stress that MRL device of Catan does not include components such as an analog to digital converter and a processing unit and hence can not be equated with the intelligent sensing device of the pending claims which is defined as above in the specification of the pending application.

For at least these reasons, among others, Applicants respectfully request withdrawal of the rejections of claims 27 and 47 under 35 U.S.C. § 102. Claims 28-33, 36-39, 48-51, 55-59, 67 and 68 depend directly or indirectly from claims 27 and 47 are also clearly allowable at least by virtue of their dependency from an allowable base claim.

35 USC §103

The Examiner rejected claim 34 under 35 USC §103(a), as being unpatentable over Catan in view of Donner et al. (U.S. Patent No. 7, 216,109), claims 35, 52-54 under 35 U.S.C 103(a) as being unpatentable over Catan in view of Ulrich et al. (U.S. Patent No. 6,344,794), claims 40, 41, 44, 46, 60, 61, 64 and 66 as being unpatentable over Catan in view of Katagishi et al. (U.S. Publication No. 2003/0120745), claims 42-43, 62-63 as being unpatentable over Catan in view of Katagishi and further in view of official notice and claims 45 and 65 as being unpatentable over Catan in view of Katagishi and further in view of Radican (U.S. Patent No. 6,148,291).

As discussed above, Catan fails to suggest or discuss intelligent sensing devices as in independent claim 27 and 47 of the pending application. Further, Donner, Ulrich, Katagishi or Radican fails to suggest or discuss a the referred limitation. Thus, none of the cited references either taken alone or in any hypothetical combination, specifically disclose or suggest or teach the invention as recited in independent claims 27 and 47. Accordingly, Applicants respectfully submit that a prima facie case of obviousness cannot be established for claims 34, 35, 40-46, 52-54 and 60-66 depend directly from independent claims 27 and 47.

Accordingly, Applicants submits that the combination of the cited references would not render the subject matter of claims 27 and 47 and claims 34, 35, 40-46, 52-54 and 60-66 that depend therefrom, obvious. Applicants respectfully request that the Examiner withdraw the rejection under 35 USC 103.

Summary

For the reasons set out above, Applicants respectfully submit that the application is in condition for allowance. Favorable reconsideration and allowance of the application are, therefore, respectfully requested.

If the Examiner believes that anything further is necessary to place the application in better condition for allowance, the Examiner is kindly asked to contact Applicants undersigned representative at the telephone number below.

Respectfully submitted,

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July 12, 2010